

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	:	Higuchi, et al.
App. No	:	10/572,404
Filed	:	March 16, 2006
For	:	DRUG AND FOOD OR DRINK FOR IMPROVING HYPERGLYCEMIA
Examiner	:	Bland, Layla
Art Unit	:	1623
Conf No.	:	8010

TERMINAL DISCLAIMER

The undersigned agent of record is empowered to act on behalf of the assignee, Morinaga Milk Industry Co., Ltd. ("Assignee") indicated below, by virtue of a Power of Attorney executed in connection with the Declaration by the inventors in November/December 2005.

In accordance with 37 C.F.R. 3.73(b), Assignee represents that it is the owner by assignment of a 100% interest in the above referenced application. The Assignment to Assignee of U.S. Application No. 11/577,301 is recorded at Reel 019209, Frame 0412. The Assignment to the Assignee of the above-referenced application is recorded at Reel 017712, Frame 0975. These assignments represent the entire chain of title from the inventors to the Assignee.

Assignee hereby disclaims the terminal part of any patent granted on the above-identified application, which would extend beyond the expiration date of the full statutory term of any patent granted on U.S. Application No. 11/577,301, pursuant to 37 C.F.R. 1.321 (b), and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to any patent granted on U.S. Application No. 11/577,301. This agreement extends to any patent granted on the above-identified application and shall be binding on its successors or assigns.

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Assignee does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term as presently shortened by any terminal disclaimer of any patent granted on U.S. Application No. 11/577,301 in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321(a), has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

In accordance with 37 C.F.R. 3.73(b), any evidentiary documents which are referred to in this disclaimer have been reviewed, and to the best of Assignee's knowledge and belief, title is in Assignee.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR

Dated: Apr. 30, 2009

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